GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2797
ANSWERED ON:02.08.2017
Conviction of a Sitting HC Judge
Senguttuvan Shri Balasubramaniam

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Supreme Court has convicted any sitting HC Judge for contempt of court and sentenced him to six months of imprisonment and if so, the details thereof;
(b) whether the convicted judge upon his conviction, abandoned service, absconded and went into hiding till he was eventually arrested and imprisoned in jail and if so, the details thereof;
(c) whether the Supreme Court sent a medical team to examine the said HC Judge who stated to them that since he was in perfect health, there was no need for medical examination and if so, the details thereof;
(d) whether the said judge whilst in office hurled charges of caste discrimination and corruption against fellow judges and the Supreme Court Judges and issued untenable restraint orders and if so, the details thereof;
(e) whether the Ministry would furnish the particulars of his elevation including names of judges constituted the collegium that recommended his name and his distinguished legal practice, if any, etc.;
(f) if so, whether this instance is symptomatic of the evils of collegium system of recruitment of HC Judges selected on the basis of whims and fancies when an ordinary junior civil judge and magistrate will have to undergo several ability tests and interviews; and
(g) if so, the steps being taken by the Government in this regard?

Answer

ANSWER
Minister of State for Law and Justice and Electronics and Information Technology
(SHRI P.P. CHAUDHARY)
(a) : As per the Judgment of the Hon'ble Supreme Court dated 09.05.2017 available on the website of the Supreme Court, a seven member Supreme Court Bench headed by the Chief Justice of India, in a Suo-Motu contempt petition (Civil) No. 1 of 2017 against Shri Justice C.S. Karnan, Judge (retd.) of the Calcutta High Court has convicted him with imprisonment
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for six months for his grossest and gravest actions of contempt of Court, as his conduct towards a large number of Judges and Judiciary in general had seriously blemished and tarnished the image of those concerned in particular, and judiciary as a whole.

(b) : As per the information made available by the Hon'ble Supreme Court the Director General & Inspector General of Police, West Bengal in his report to the Supreme Court, pursuant to the direction of Supreme Court dated 9.5.2017, submitted that the Police team of West Bengal Police could not trace Shri Justice C.S. Karnan. The Director General & Inspector General of Police, West Bengal vide Report dated 23.6. 2017, informed that in compliance of the Supreme Court's Order, Shri Justice (retd.) C.S. Karnan has been arrested by a team of Police Officers of West Bengal Police from Coimbatore, Tamil Nadu on 20.6.2017 at 19.30 hours and handed over to the Superintendent of Presidency Correctional Home on 21.6.2017 at 15.28 hours after necessary legal formalities.

(c) : The Hon'ble Supreme Court vide its Order dated 1.5.2017 directed the Health Services, Government of West Bengal to constitute a Board of Doctors from Pavlov Government Hospital, Calcutta for conducting medical examination of Shri Justice C.S. Karnan on 4.5.2017 and to submit a report as to whether or not Shri Justice C.S. Karnan was in a fit condition to defend himself. But Shri Justice C. S. Karnan declined to be medically examined and gave a written declaration dated 4.5.2017 in which he stated that he was absolutely normal and with a stable mind. The Supreme Court accepted this assertion of Justice Karnan.

(d): Shri Justice C.S. Karnan claimed to be a victim of social and caste discrimination and h said that he had been subjected to agony, on account of ragging and demeaning actions, of other Judges. Shri Justice C.S. Karnan openly denounced large number of Judges with allegations of corruption and passed orders which had neither any legal sanction nor any justification. The Supreme Court vide its order dated 08.02.2017 refrained Shri Justice C.S. Karnan from handling any Judicial work and directed him to return, all judicial and administrative files in his possession to the Registrar General of the Calcutta High Court.

(e) Shri Justice C.S. Karnan was enrolled as a Advocate on 11.04.1984 and practiced in Madras High Court City Civil Court & Family Courts in Civil, Criminal, Constitutional and Service matters and specialized in Civil matters. The name of Shri Justice C.S. Karnan was inter-alia recommended by the then Chief Justice of Madras High Court viz., Shri Justice A.K. Ganguly and the two senior-most Judges of the Madras High Court Collegium viz., Shri Justice S.J. Mukhopadhaya and P.K. Misra. The proposal was placed before the Supreme Court Collegium consisting of the then Chief Justice K.G. Balakrishnan and his two senior-most Colleagues Shri Justice B.N. Agrawal and Arijit Pasyat which recommended his name for elevation. He was transferred from Madras High Court to Calcutta High Court on 10.03.2016.

(f) Two Judges out of the 07 member bench viz., Shri Justice J. Chelameswar and Ranjan Gogoi, while concurring with the Judgment dated 09.05.2017, in a separate order dated 04.07.2017 have inter-alia highlighted the need to revisit the process of selection and appointment of Judges to the Constitutional Courts.

(g) As per the Hon'ble Supreme Court order dated 16.12.2015 in W.P. (C) No. 13/2015, the Government has been directed to finalise the existing Memorandum of Procedure for appointment of Judges of Supreme Court and High Courts on various criteria such as eligibility, transparency, establishment of Secretariat, complaints etc. After detailed examination and deliberations on the criterion laid down by the Supreme Court, draft Memorandum of Procedure was prepared by the Government and sent to the Chief Justice of India on 22.03.2016. The response of the Supreme Court Collegium has been received in the matter. The Government has conveyed its views to the Hon'ble Supreme Court vide letter dated 11.07.2017. The Government in consultation with the Supreme Court Collegium is committed to make the appointment process of Supreme Court and High Court Judges, transparent, fair and accountable in accordance with the Constitution of India and as mandated by Supreme Court orders dated 16.12.2015 and 04.07.2017.